

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Tyler Walls	Team: Squad #4	CCRB Case #: 202000492	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 01/16/2020 8:51 PM	Location of Incident: Front of § 87(2)(b)	Precinct: 112	18 Mo. SOL 7/16/2021	EO SOL 3/2/2022	
Date/Time CV Reported Tue, 01/21/2020 9:02 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 01/21/2020 9:02 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. POF Julissa Garcia	04783	965125	112 PCT
3. POM Michael Taveras	28263	905154	112 PCT
4. PO Jason Kleinman	16331	944097	112 PCT
5. POM Carlos Gomez	25635	962437	112 PCT
6. POM James Yule	24378	961469	112 PCT
7. POM Izhar Hussain	23050	962490	112 PCT
8. POM Thomas Yoo	14241	963815	112 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Lisa Seebarran	21081	959216	112 PCT
2. POF Olivia Windisch	14925	961454	112 PCT
3. POM Walter Ebbitt	11287	965707	112 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Michael Taveras	Abuse: Police Officer Michael Taveras refused to provide his shield number to § 87(2)(b)	
B.POM Carlos Gomez	Abuse: Police Officer Carlos Gomez refused to provide his shield number to § 87(2)(b)	
C.POM James Yule	Abuse: Police Officer James Yule refused to provide his shield number to § 87(2)(b)	
D.POM Izhar Hussain	Abuse: Police Officer Izhar Hussain refused to provide his shield number to § 87(2)(b)	
E.POM Thomas Yoo	Abuse: Police Officer Thomas Yoo refused to provide his shield number to § 87(2)(b)	
F.PO Jason Kleinman	Abuse: Police Officer Jason Kleinman refused to provide his shield number to § 87(2)(b)	
G.POF Julissa Garcia	Abuse: Police Officer Julissa Garcia refused to provide her shield number to § 87(2)(b)	
H.POF Julissa Garcia	Abuse: Police Officer Julissa Garcia searched § 87(2)(b)	
I.PO Jason Kleinman	Abuse: Police Officer Jason Kleinman refused to provide his name to § 87(2)(b)	
J.PO Jason Kleinman	Abuse: Police Officer Jason Kleinman refused to provide his shield number to § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
K.POF Julissa Garcia	Abuse: Police Officer Julissa Garcia refused to provide her name to § 87(2)(b)	
L.POF Julissa Garcia	Abuse: Police Officer Julissa Garcia refused to provide her shield number to § 87(2)(b)	
M. Officers	Abuse: Officers refused to provide their name to § 87(2)(b)	
N. Officers	Abuse: Officers refused to provide their shield number to § 87(2)(b)	
O.POF Julissa Garcia	Abuse: Police Officer Julissa Garcia forcibly removed § 87(2)(b) to the hospital.	
§ 87(4-b), § 87(2)(g)		

Case Summary

On January 21, 2020, § 87(2)(b) filed the following complaint with the CCRB over the telephone.

On January 17, 2020, at approximately 8:51 p.m., § 87(2)(b) left her apartment at § 87(2)(b) in the Bronx to go to the store. § 87(2)(b) saw PO Julissa Garcia and nine other officers, all from the 112th Precinct, standing outside with several EMTs. The officers approached § 87(2)(b) and told her that they received a 9-1-1 call stating that she was homicidal. § 87(2)(b) denied being homicidal and walked away. The officers grabbed § 87(2)(b)'s arms, handcuffed her, and sat her down on an ambulance stretcher. § 87(2)(b) asked the officers for their shield numbers. None of the officers provided this information (**Allegations A - G: Abuse of Authority**, § 87(2)(g)). The officers strapped § 87(2)(b) to a stretcher and placed her into the ambulance. PO Garcia searched § 87(2)(b)'s bag to obtain her identification (**Allegation M: Abuse of Authority**, § 87(2)(g)). Before being driven away, § 87(2)(b) allegedly requested the names and shield numbers of the officers (**Allegations G – J: Abuse of Authority**, § 87(2)(g)). EMS transported § 87(2)(b) to § 87(2)(b) in Queens for a psychological evaluation (**Allegation N: Abuse of Authority**, § 87(2)(g)).

§ 87(2)(g), § 87(4-b)

The investigation obtained BWC footage. The investigation did not obtain any video surveillance.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Michael Taveras refused to provide his shield number to § 87(2)(b)

Allegation (B) Abuse of Authority: Police Officer Carlos Gomez refused to provide his shield number to § 87(2)(b)

Allegation (C) Abuse of Authority: Police Officer James Yule refused to provide his shield number to § 87(2)(b)

Allegation (D) Abuse of Authority: Police Officer Izhar Hussain refused to provide his shield number to § 87(2)(b)

Allegation (E) Abuse of Authority: Police Officer Thomas Yoo refused to provide his shield number to § 87(2)(b)

Allegation (F) Abuse of Authority: Police Officer Jason Kleinman refused to provide his shield number to § 87(2)(b)

Allegation (G) Abuse of Authority: Police Officer Julissa Garcia refused to provide her shield number to § 87(2)(b)

The 9-1-1 call audio for this incident revealed that a NYC Well employee named Williams called 9-1-1 after another employee spoke to § 87(2)(b) over the phone. Williams stated that during this employee's call with § 87(2)(b) she informed him that her landlord killed her mother for money. § 87(2)(b) wanted to take revenge on her landlord and expressed active homicidal ideation. She also mentioned that she was pro-Trump and felt that white people were being victimized. § 87(2)(b) did not want to receive any psychiatric help or medical attention and confirmed that she was not taking her medication. § 87(2)(b) eventually disengaged the call. NYC Well could not reach § 87(2)(b) after. Williams asked for someone to respond to the location to check the status of § 87(2)(b) (BR 01).

§ 87(2)(b) testified that on January 16, 2020, she listened to music inside of her apartment at § 87(2)(b) in Queens, and did not make or receive any phone calls and did not have any contact with anyone on that day. At approximately 8:51 p.m., § 87(2)(b) exited her building to get

something to eat. § 87(2)(b) made a right towards Yellowstone Boulevard when she observed 15 officers, including PO Garcia, standing outside along with several EMS workers. An officer asked § 87(2)(b) for her name. § 87(2)(b) provided her name and walked away. The officers grabbed § 87(2)(b)'s phone and took her bag out of her hand. The officers placed § 87(2)(b) in handcuffs. The officers informed § 87(2)(b) that someone called 9-1-1 and said that she threatened to hurt or kill someone. PO Garcia told the other officers that she knew § 87(2)(b) from a previous incident and that she was bi-polar and schizophrenic. The officers brought § 87(2)(b) to a stretcher outside where they laid her on her back. § 87(2)(b) requested the names and shield numbers of all the officers at the location. § 87(2)(b) asked in general and did not ask a specific officer. None of the officers verbally provided their names and shield numbers. Except for one officer with a riot shield, who stood away from the rest of the officers, all the officers stood huddled around § 87(2)(b) when she made the request (BR 02).

PO Garcia testified that on the day of the incident she received a radio call for an emotionally disturbed person (EDP) that was said to have been homicidal. An employee of NYC Well called 9-1-1 to report that an individual named § 87(2)(b) wanted revenge on someone for causing her mother's death. The radio message provided the address as § 87(2)(b), in Queens. PO Garcia remembered § 87(2)(b) from when she came to file a report at the 112th Precinct stationhouse. PO Garcia associated the § 87(2)(b) from the call with the § 87(2)(b) from the stationhouse that she observed. As the call came over as an EDP job, EMS was already en route before she responded. When PO Garcia arrived, § 87(2)(b) was walking out of her building. PO Garcia requested § 87(2)(b)'s name, but she attempted to run away. § 87(2)(b) got only two feet away before being detained by the officers. PO Garcia asked § 87(2)(b) for her name multiple times before she finally gave her name as § 87(2)(b) at which point the officers handcuffed her. The officers informed § 87(2)(b) that they were there because someone from NYC Well called and stated that she was homicidal. § 87(2)(b) denied making any calls to NYC Well. EMS eventually arrived and confirmed immediately that they wanted to take § 87(2)(b) to the hospital. The officers helped place § 87(2)(b) onto a stretcher outside. Once on the stretcher, the officers immediately brought her inside of the ambulance. At some point while in the ambulance, § 87(2)(b) requested the names and shield numbers of all the officers on scene. PO Garcia pointed to her shield and said that her information was right in front of her. Additionally, § 87(2)(b) said PO Garcia's name multiple times earlier in the interaction. During this time, PO Kleinman verbally provided his name and shield number as requested. None of the other officers were present. § 87(2)(b) knew PO Hussein's name because she said his name earlier in this incident (BR 03).

PO Kleinman confirmed that at some point during the incident, § 87(2)(b) requested the names and shield numbers of all the officers on scene. PO Kleinman stated that he did not provide his information to § 87(2)(b) when she was on the stretcher as she appeared to simply be rambling and saying things at random. PO Kleinman stated that § 87(2)(b) did not specify an individual for the request and that he was focused on getting § 87(2)(b) the help that she needed at the time (BR 04).

PO Taveras testified that he did not provide his shield number to § 87(2)(b) during the incident because he did not speak with her personally at any point. PO Taveras stated that he did not independently recall the later portion of the video when § 87(2)(b) requested the names and shield numbers of the officers while inside of the ambulance. He could not recall who was in the vicinity when she made that request (BR 05).

PO Gomez testified that he did not provide this shield number because he was focused on securing § 87(2)(b) and placing her into the ambulance at the time. PO Gomez admitted that he was not aware of providing § 87(2)(b) with his shield number at any point later (BR 06).

PO Yoo believes that he did not provide his information to § 87(2)(b) because it was a chaotic scene and § 87(2)(b) was moving around at the time (BR 07).

PO Hussain stated that he probably did not provide his name or shield number to § 87(2)(b) because they were still working on § 87(2)(b) and because he stood in the back when she made the request (BR 08).

PO Yule testified that he did not know why he did not provide his shield number to § 87(2)(b). Nonetheless, he stated that based on his BWC that he reviewed during his interview, he stood behind the other officers when she made the request, and the request sounded faint to him on the video. Additionally, § 87(2)(b) walked away from the officers and towards the stretcher when she made the request (BR 09).

At the 04:21 mark of PO Garcia's BWC, § 87(2)(b) walks over to the stretcher outside of the ambulance and says, "Badge numbers of all of you. Badge numbers of all of you. CCRB". § 87(2)(b) proceeded to sit on the stretcher. PO Garcia and several other officers agree to provide this information. However, none of the officers verbally provide § 87(2)(b) their shield numbers. PO Taveras, PO Gomez, PO Yoo, PO Yule, PO Hussain, and PO Kleinman were all surrounding § 87(2)(b) when the request was made, and the request is captured on each of their individual BWCs (BR 10 – 16).

An officer must clearly say or otherwise provide their name, shield number, or command when members of the public request this information. NYPD Patrol Guide Procedure 203-09 (BR 17).

§ 87(2)(g)
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Allegation (H) Abuse of Authority: Police Officer Julissa Garcia searched § 87(2)(b)
§ 87(2)(b) testified that the officers grabbed her phone and bag out of her hand. § 87(2)(b) stated EMS workers obtained her bag from the officers and went inside of her bag to retrieve her ID. § 87(2)(b) did not provide consent to the EMS workers.

PO Garcia testified that once § 87(2)(b) was handcuffed, the officers placed her on the stretcher and then brought her inside of the ambulance. At some point, EMS needed § 87(2)(b)'s identification so that it could be entered into their system. PO Garcia also needed § 87(2)(b)'s identification to complete her AIDED card. EMS asked § 87(2)(b) to provide her ID, but she refused multiple times. PO Garcia went into § 87(2)(b)'s purse, pulled out her wallet and looked through it with the sole purpose of obtaining the ID. As she took out the ID from the wallet, § 87(2)(b) provided her information to EMS. PO Garcia provided EMS with the ID card and later took a picture of it to generate the AIDED report. PO Garcia admitted that the information that they needed could have been provided verbally; however, she stated that since they were on scene for some time, she wanted to speed up the process.

None of the other interviewed officers witnessed PO Garcia search § 87(2)(b)'s bag.

At the 18:45 mark of PO Garcia's BWC, PO Garcia asks § 87(2)(b) for her ID. § 87(2)(b) asks if she can finish talking to the female EMS worker. At the 19:00 mark of the video, PO Garcia goes into § 87(2)(b)'s purse, takes out her wallet, looks inside, and puts it back. PO Garcia then rummages through the purse, picks up a small blue notebook, quickly flips the pages, and puts it back. PO Garcia asks § 87(2)(b) where she can find her identification. § 87(2)(b) asks if she could provide it after. PO Garcia replies that they need it now. At the 19:31 mark, PO Garcia goes into § 87(2)(b)'s purse and takes out a "Hello Kitty" wallet. § 87(2)(b) says, "No, no, I was going to tell you my birthday." PO Garcia opens the wallet and flips through the different cards. PO Garcia takes out the cards from the "Hello Kitty" wallet and quickly flips through them until she finds § 87(2)(b)'s ID, which she provides to the female EMS worker (BR 10).

All warrantless searches are presumptively unreasonable. People v. Hodge, 44 N.Y.2d 553, 378 N.E.2d 99, 406 N.Y.S.2d 736, (1978) (BR 18).

§ 87(2)(g)

Allegation (I) Abuse of Authority: Police Officer Jason Kleinman refused to provide his name to § 87(2)(b)

Allegation (J) Abuse of Authority: Police Officer Jason Kleinman refused to provide his shield number to § 87(2)(b)

Allegation (K) Abuse of Authority: Police Officer Julissa Garcia refused to provide her name to § 87(2)(b)

Allegation (L) Abuse of Authority: Police Officer Julissa Garcia refused to provide her shield number to § 87(2)(b)

Allegation (M) Abuse of Authority: Officers refused to provide their name to § 87(2)(b)

Allegation (N) Abuse of Authority: Officers refused to provide their shield number to § 87(2)(b)

At the 21:50 mark of the BWC, § 87(2)(b) requested PO Garcia to write down her badge number and name. PO Garcia responded that it was not a problem. § 87(2)(b) then said, "All badge numbers and names. Can you write down all your badge numbers and names?" to the officers outside of the ambulance, which included PO Kleinman. PO Kleinman stated that he could not write it down. However, PO Kleinman proceeded to verbally provide his name and shield number for § 87(2)(b). § 87(2)(b) responded that she would not be able to remember it. At the 22:19 mark, § 87(2)(b) repeated the request for all badge numbers and names of the officers. PO Garcia told § 87(2)(b) that she could just "look at our face." At this point, § 87(2)(b) stared at PO Garcia for approximately four seconds (BR 10).

As previously noted, at some point while on the stretcher, § 87(2)(b) asked for the names and shield numbers of all the officers on scene. None of the officers provided their names or shield numbers (BR 01).

PO Garcia testified that once inside of the ambulance, § 87(2)(b) requested the names and shield numbers of all the officers. PO Kleinman, who stood right by the entrance to the ambulance, verbally provided his name and shield number. None of the other officers were present when § 87(2)(b) made the request. § 87(2)(b) then made a specific request for PO Garcia's name and shield number. PO Garcia told § 87(2)(b) it was right in front of her and pointed to her shield.

Additionally, § 87(2)(b) said PO Garcia's name multiple times previously during the interaction.

PO Kleinman stated that he could not recall any other officers present when § 87(2)(b) made the request.

PO Hussain stated that he did not know if he was present when this request for names or shield numbers was made and could not independently recall this portion of the incident.

PO Taveras could not recall this portion of this incident and believes that this was the case because he stood too far away from the other officers. PO Taveras did not know which officers were in the vicinity during this time.

§ 87(2)(g)

Allegation (O) Abuse of Authority: Police Officer Julissa Garcia forcibly removed § 87(2)(b) to the hospital.

As previously noted, 9-1-1 radio call revealed that a NYC Well employee named Williams called 9-1-1 after another employee spoke with § 87(2)(b) over the phone. Williams noted that during her call to NYC Well, § 87(2)(b) stated that she wanted to take revenge on her landlord for killing her mother and expressed homicidal ideation. In the call, § 87(2)(b) stated that she was not taking her medication. Williams asked that someone check in on § 87(2)(b) at the location.

§ 87(2)(b) testified that once inside of the ambulance, EMS brought her to § 87(2)(b) in Queens, for a psychiatric evaluation. § 87(2)(b) stayed at the hospital for a day before being released. § 87(2)(b) testified that she had no contact with anyone on this day, denied having a history of violence, and denied having ever had suicidal or homicidal thoughts or being diagnosed with schizophrenia or bi-polar disorder.

PO Garcia testified that as soon as EMS arrived, they immediately decided that they wanted to take § 87(2)(b) to the hospital. The EMS workers informed PO Garcia that they were bringing § 87(2)(b) to the hospital because the call mentioned she was homicidal. PO Garcia stated that § 87(2)(b) was well-known throughout the precinct to suffer from bipolar disorder and schizophrenia. PO Garcia did not personally have any prior interactions with § 87(2)(b).

PO Yoo testified that he had approximately two to three previous EDP jobs with § 87(2)(b) before. PO Yoo believes that § 87(2)(b) was removed to the hospital during one of these

incidences but did could not recall for sure.

PO Gomez testified that he responded to at least five incidences involving § 87(2)(b) and during at least one of those instances she was taken to the hospital.

PO Yule testified that he interacted with § 87(2)(b) in several prior incidences in which she had mental health issues. PO Yule could not remember if § 87(2)(b) was taken to the hospital during any of those times.

At the 11:00 minute mark of PO Garcia's BWC, while § 87(2)(b) is inside of the ambulance, the male EMS worker says that they need to talk to her first before they can decide if she needs to go to the hospital. PO Garcia asks § 87(2)(b) if she made any calls to NYC Well. § 87(2)(b) denied making any calls. PO Garcia repeated the same question at which point § 87(2)(b) said that she called NYC Well and said that she wanted revenge but did not say that she would harm anyone physically. At the 13:08 mark of the video, the male EMS worker says that § 87(2)(b) needs to go to the hospital and that she "has to get it cleared up by a doctor."

An officer is to take into protective custody, and have removed to the hospital in an ambulance, any person that appears to be mentally ill or temporarily deranged and behaving in a manner in which an officer reasonably believes might cause serious injury to others. NYPD Patrol Guide Procedure 221-13 (BR 19).

§ 87(2)(g)
[REDACTED]

[REDACTED]

§ 87(4-b), § 87(2)(g)
[REDACTED]

[REDACTED]

[REDACTED]

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to four CCRB complaints and has been named as a victim in 14 allegations (BR 024):
 - § 87(2)(b)
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- PO Taveras has been a member-of-service for 28 years and has been a subject in six CCRB complaints and 15 allegations, none of which have been substantiated. § 87(2)(g)
- PO Kleinman has been a member-of-service for 14 years and has been a subject in seven CCRB complaints and 13 allegations, none of which have been substantiated. § 87(2)(g)
- PO Gomez has been a member-of-service for five years and has been a subject in five CCRB complaints and eight allegations, none of which have been substantiated. § 87(2)(g)
- PO Yule has been a member-of-service for five years and has been a subject in one CCRB complaint and one allegation that was not substantiated. § 87(2)(g)
- PO Hussain has been a member-of-service for five years and has been a subject in one CCRB complaint and one allegation that was not substantiated. § 87(2)(g)
- PO Yoo has been a member-of-service for four years and this is the first CCRB complaint to which he has been a subject.
- PO Garcia has been a member-of-service for three years and this is the first CCRB complaint to which she has been a subject.

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- As of April 27, 2020, the NYC Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (BR 26).

Squad No.: 4

Investigator: Tyler Walls
Signature

Inv. Tyler Walls
Print Title & Name

12/16/2021
Date

Squad Leader: Raquel Velasquez IM Raquel Velasquez 12/17/2021
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date